

# Estes Valley

## Vacating Public Easements and Rights-of-Way

Revision Date: January 2013

### WHERE DO I START?

Read through this short explanation to gain an understanding of what 'vacating' is and how it can be done. Then contact the Community Development Department to discuss the process.

If you want to vacate a public right-of-way (ROW), you should also contact the Public Works Department to get their initial feedback. It is unlikely the Board will approve a ROW vacation without support of the Public Works Department, even if the ROW is currently not in use.

This process applies only to public easements and rights-of-way, not to private easements.

If you have questions about a private utility or access easement, you may need to consult with an attorney.

### STEP 1: MEET WITH STAFF

Contact staff to schedule a 'pre-application' meeting to discuss the submittal requirements and review process.

At least five days before this meeting, you will need to submit a pre-application form and a site plan.

Community Development staff will discuss your request with affected agencies and invite them to the pre-application meeting if need be.

At this meeting, a review timeframe will be agreed on, and a utility signature sheet will be provided for your use.

### STEP 2: SUBMIT APPLICATION

After the pre-application meeting, you will need to submit a formal application.

Utility easement vacation requires signatures from all affected agencies, which must be included with the application form.

Incomplete applications will not be accepted, processed, or scheduled for review. Submittal requirements are outlined below.

Complete applications will be scheduled for the first available Board meeting, typically about four weeks.

### STEP 3: STAFF REVIEW

Community Development staff will distribute the application to the agencies that have a right of use from the easement or ROW. This notice is to inform them of the proposed vacation hearing date and allow opportunity to provide comment.

Notice of the proposed easement vacation will also be mailed to nearby property owners and notice published in the newspaper.

### STEP 4: COMMITTEE REVIEW

Vacation of public easements and rights-of-way within the Town of Estes Park requires Public Works Committee review prior to Town Board review. This is a three-person committee consisting of Town Board members who make a recommendation to the full Board. You should attend this meeting to answer questions that may arise.

## **STEP 5: BOARD DECISION**

The Town Board/County Commissioners make the final decision about whether or not to vacate. The Town Board reviews applications for properties within the Town of Estes Park; the Board of County Commissioners reviews applications within unincorporated Larimer County.

You should attend this meeting to answer questions that may arise.

## **STEP 6: RECORD DOCUMENTS**

*Quit-Claim Deed.* If within Town limits, within 30 days of Board approval you must submit a quit-claim deed officially quitting any claims to the easement. Staff will record this document with the County Clerk at your expense.

*Easement Document.* If a new easement is required, you must submit the approved and signed easement to the Community Development Department within 30 days of Board approval. Staff will record this document with the County Clerk at your expense.

*Resolution or Ordinance.* Depending on jurisdiction, the Town or County will prepare either a resolution or an ordinance officially vacating the easement or ROW.

## **STEP 7: FINAL NOTIFICATION**

The Community Development Department will mail a copy of the recorded documents to you and the affected utility providers.

## **SUBMITTAL REQUIREMENTS**

(Some requirements may be waived if staff determines them unnecessary)

1. *Application Form.* Completed and signed by the property owner(s) and the applicant.
  2. *Statement of Intent.* A letter describing the request: what is being requested, why, what the impact will be (or not be), describe the situation and surrounding area. Include a legal description describing the easement being vacated (written and graphic – *prepared by a land surveyor*)
  3. *Site Plan.* Clearly identify what is to be vacated, show existing structures and utilities. This should be prepared by a land surveyor.
  4. *Utility Signature Sheet.* A completed check sheet, which has been reviewed and signed by all utility and ditch companies affected by this application.
  5. *Ownership and Encumbrance.* This is to verify you are the property owner. Contact a Title Company for this information.
  6. *Building Permit Record.* If in Larimer County, Signed and Completed Building Permit Records Review Certificate. Contact the Larimer County Building Department for this requirement and submit with application.
  7. *Review Fee.* See the current Fee Schedule in the Community Development Department. All checks payable to the Town of Estes Park.
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